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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 THE BANK OF NEW YORK MELLON,
8 Plaintiff(s),
9 v.
10 SFR INVESTMENTS POOL 1, LLC, et al.,
11 Defendant(s).

Case No. 2:17-CV-256 JCM (NJK)

ORDER

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13 Presently before the court is defendant SFR Investments Pool 1, LLC's motion for demand
14 for security of costs. (ECF No. 7). Defendant asks that plaintiff Bank of New York Mellon file
15 security of costs in the amount of \$500.00 in favor of the defendant pursuant to NRS 18.130(1)
16 because plaintiff is a non-resident of Nevada.

17 The Ninth Circuit recognizes that "federal district courts have inherent power to require
18 plaintiffs to post security for costs." *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d
19 573, 574 (9th Cir. 1994). A federal district court typically follows the forum state's practice
20 regarding security of costs, particularly when a party is a non-resident. *See, e.g.*, 10 Charles Alan
21 Wright & Arthur R. Miller, Federal Practice and Procedure § 2671 (3d ed. 1998). Section 18.130
22 of the Nevada Revised Statutes provides that the court may require an out-of-state plaintiff to post
23 a security for costs in an amount up to \$500.00 upon request by a defendant. Nev. Rev. Stat. §
24 18.130.

25 This court finds it appropriate to order security of costs in this matter.

26 Accordingly,

27 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for
28 demand for security of costs (ECF No. 7) be, and the same hereby is, GRANTED.

1 IT IS FURTHER ORDERED that plaintiff shall post security in the amount of \$500.00
2 within seven (7) days of the entry of this order.

3 DATED April 26, 2017.

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5 UNITED STATES DISTRICT JUDGE
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